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(47)



Washington, D.C. 20505

22 NOV 1989

OIT #1330-89

The Honorable Don W. Wilson
Archivist of the United States
National Archives and Records Administration
7th and Pennsylvania Avenue, N.W.
Washington, D.C. 20408

Dear Don:

In response to your letter of 25 October 1989 concerning the Office of Strategic Services, Research and Analysis Branch index cards, we concur in the necessity to find a prompt and final resolution to the issue of public access to this index.

You may not be aware that last spring one of our officers completed the declassification review of the alphabetical name index cards for the Research and Analysis file (approximately 42-44,000 cards) which we understand are the ones most desired by researchers. The reviewing officer found it necessary to retain the classification on approximately two percent of the cards in this category.

In an effort to resolve this longstanding problem, I suggest that our respective declassification review people meet as soon as possible to discuss a mutually satisfactory arrangement for access to this index. The focal point for this discussion is [redacted] CIA Information Management Officer. [redacted] can be reached on [redacted]

STAT
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Sincerely,

/s/ DM

William H. Webster
Director of Central Intelligence

DD/A REGISTRY
FILE: REM-3-AR

SUBJECT: Letter from DCI to Honorable Don W. Wilson, Archivist

STAT

C/IMD/NSG/OIT/DDA :kop (13 Nov 89)

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Washington, DC 20408



OCT 25 1980

Honorable William Webster
Director of Central Intelligence
Central Intelligence Agency
Washington, DC 20505

Dear Mr. Webster:

As you know, we are entering the period of the fifty year anniversary of World War II. In the past months, the media have extensively covered the events at the beginning of the war. We have every reason to believe that this interest will continue over the next six years.

Given the critical role the Office of Strategic Services played in the war, I am sure that increasing numbers of researchers will want to explore the OSS records here in the National Archives. To use the records effectively, particularly the records of the Research and Analysis Branch, researchers must have recourse to the massive card files that accompany the records. The danger of disarrangement in card files is always great, and the National Archives is interested in beginning a major effort to film the card files.

The history of access to the index cards is rather lengthy and complicated. From the time of the cards' transfer to the Archives by the State Department in 1951 until about 1974 prospective researchers submitted requests for access to the cards and documents to the State Department. To the best of our knowledge, no U.S. citizen was ever denied access. All notes taken from the cards and documents were sent by the National Archives to the State Department for a determination on release of information. This procedure was in accordance with provisions of the then operative Executive Order on classification. This rather cumbersome procedure eventually led the Archives to seek a review of the classification of the cards. Because the Central Intelligence Agency is the successor in interest to the OSS, on September 13, 1972, Deputy Archivist James E. O'Neill wrote to William Colby, Director of the Central Intelligence Agency, asking for declassification review. CIA reviewers examined the Research and Analysis Branch records between December 1972 and September 1974. Because of the large volume of index cards, CIA conducted declassification review by

National Archives and Records Administration

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sampling. The index cards were then made available to the general public in 1974 based, apparently, on an unwritten understanding between the CIA and the Archives that researchers are permitted to look at the index cards and copy the card file numbers, but are not allowed to have a copy of the card itself nor take notes from it. Numerous researchers, from all over the world, have done so, reading the cards and carrying away in their heads whatever information they had been able to absorb and retain.

During the years since the Archives accessioned the card files and began giving "no copy can be made" access, substantial Freedom of Information Act case law has developed which address this very issue. Current case law holds that access, in terms of the Act, includes both seeing the information and obtaining a copy of it. We have concluded that we cannot sustain a policy that denies researchers a copy of records they are permitted to see.

After reviewing this situation it appears to me that we have only two alternatives to "legalize" our access procedures and bring them into conformity with current FOIA law and the current Executive Order. The first alternative would be for us to notify you that as of a certain date, say, January 1, 1990, the National Archives will begin to permit researchers to obtain copies of the cards if they wish to do so. At the same time the National Archives would also begin planning to reproduce the cards on microfilm, with the object of retiring the original cards from research room use and making the index available as a microfilm publication.

The second alternative would be to reclassify the records. The Director of the Records Declassification Division informs me that at least one CIA employee believes that the card files contain classified information. If so, CIA must determine whether the risk is serious enough to warrant an official reclassification action, with notice to the Information Security Oversight Office. I sincerely hope you will not find such action necessary, both because of the resources it would take to manage such a process and because of the great turmoil it would cause in a research community that has used these cards for nearly thirty years, both before and after their official accessioning by the National Archives.

If you would like to designate a person or persons to visit the Archives and examine the card files we would be most happy to make any necessary arrangements. Perhaps there are other

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alternatives to resolving the issue that your people might propose that could also be considered. Looking beyond this particular hurdle, I look forward to cooperating with the CIA on various projects during the commemoration of World War II.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Don W. Wilson', with a stylized, flowing script.

DON W. WILSON
Archivist of the United States